

in preparation for underground operations. Reserve sums of money have been set aside. Hideouts and secret storage space have been acquired. Mimeograph and printing equipment and materials have been assembled in secret hiding places. Reserve officials have been designated to perform, if the situation so demands, as leading functionaries of the Party. As related above, the membership of Respondent at various times has been divided into groups of five or even fewer persons, and confidential mailing addresses, couriers, and other secret devices have been employed in connection with the preparations for underground activities. During periods when Respondent's activities have been conducted with greater secrecy, preparations for underground operations have been intensified correspondingly, along with a like increase in the employment of many of the secret practices described herein.

Respondent went underground for several years in the early 1920's, maintaining a secret headquarters, holding secret meetings, and otherwise conducting its affairs on a secret basis. As its "legal" expression, it organized and dominated the Workers Party, an "open" organization consisting of both Party and non-Party members. The underground party was referred to as the No. 1 party while the "open" party, which the former controlled and dominated, was known as the No. 2 party. Pursuant to instructions received from the Communist International, the underground party was liquidated as such but the underground apparatus still remained. The "open" party, or Workers Party, was merged with the underground party and thereafter adopted the name Communist Party of the United States of America.

During the remainder of the 1920's as well as in the 1930's, various steps were taken to maintain and to extend the underground apparatus, including the establishment of code systems. J. Peters, a Comintern representative, directed the underground apparatus in the United States during much of this period. At a secret CPUSA school in 1932, Peters instructed the underground members on the subject of illegal apparatus and its operation. His lectures were based upon a document in which the author, Lazar Kaganovich,⁸¹ made suggestions based upon the experiences of the Bolsheviks under the Czarist regime in Russia. Peters returned to Hungary in 1949 by agreement with the Federal Immigration Authorities after a prolonged hearing following his arrest on a deportation warrant.

When the Party entered a period of strict secrecy after the signing of the Hitler-Stalin Pact in 1939, which continued until the invasion of the Soviet Union by Germany in June 1941, it undertook to strengthen the underground apparatus in preparation for taking the entire Party underground. Eugene Dennis, a high Party official, declared at a meeting of Party functionaries in late 1939 or early 1940, while the Soviet Union was an ally of Germany, that the secret measures then being placed into effect must be completely established and adhered to so that, if the United States joined Great Britain in the war against Hitler, the Party would be prepared to turn such an "imperialist" war into a civil war, as Lenin advocated. These measures were intended to place the Party on a complete war basis when put into effect. Various degrees of secrecy prevailed, some

⁸¹ Now a Deputy Premier of the Soviet Union.

national leaders going partially underground. After the attack by Germany on the Soviet Union, many of these measures were relaxed.

During the 1930's, the World Travel Agency, of which Jacob Golos was for a period purportedly the head, arranged for visits of CPUSA members to the Soviet Union. Golos procured the tickets and expense money for such trips. In addition, Golos and the World Travel Agency were connected with a Soviet espionage agency during the period of 1936-1943. He acted as the liaison for communication between Respondent's members and the Soviet Secret Police agents operating in this country.

Extensive preparations for taking the Party underground were commenced in 1948 and are being carried out. Various measures were taken by the Party to strengthen its underground apparatus. By January 1950, Respondent had placed in effect throughout New York State a plan for the integration of about 10 percent, or about 3,000, of its members into a seven-level, vertical underground organization, known in the Party as "a system of threes" and patterned after the three-system of organization in effect in most of the countries in Europe when Communist parties there were underground. Thompson, a high Party official who has been convicted under the Smith Act, stated that this organizational setup was intended to function even if the Party as such should be declared illegal. In addition, portions of the New York State Party budgets for 1948 and 1949 were assigned to underground work.

Since 1948 and continuing on into early 1952, a large number of Party members have been severed from regular Party units and were either transferred to underground organizations, in order to assist in underground planning and to receive instructions in underground activities, or placed in a reserve leadership status.

Hence the record shows that throughout Respondent's existence it has undertaken elaborate measures to maintain an underground apparatus which makes and executes plans and assembles materials for underground work as a means of effectuating Respondent's objectives.

12. *Infiltration of Other Organizations*

Respondent has sent its members into various organizations in the United States for the purpose of gaining control of such organizations and influencing the policies of these organizations to support the CPUSA program. This policy has been employed by Respondent throughout its history. Pursuant to Respondent's directives its members have pursued this infiltration policy with respect to professional organizations, cultural organizations, fraternal organizations, and trade and industrial unions.⁸⁵ Secret Communist factions were planned or formed in these organizations for the ultimate purpose of obtaining control and making the policies of the organization subservient to those of Respondent. Students at Respondent's schools were taught the importance of infiltrating mass organizations as a means of acquiring mass support for the Party program. Party members designated to carry out infiltration work in mass organizations were instructed to use care not to expose the Party in these organizations. Members in such organizations were instructed to, and did, conceal their Party membership while in these organizations. At a

⁸⁵ See 67-71, *supra*, for more detailed discussion of trade union activity.

regional party convention held in California in January 1951, speakers emphasized the need for Party members to infiltrate other organizations through which the purposes of the Party could be carried out.

13. *Purpose of Secret Practices*

Respondent in its amended answer and through its witnesses acknowledges that it engages in certain clandestine practices, but it contends that such activity is not for the purpose of concealing foreign direction, domination, or control. Respondent's witness Gates testified that such practices have "nothing whatsoever to do with concealing the views or the program of the Communist Party" and further that they are the response to repressive measures taken against the Party and its members and are intended merely to "protect the constitutional rights of members of the Communist Party."

It is patent that these secret practices are not adopted by Respondent for the purpose which it asserts. This conclusion is inevitable when the secret practices are examined in the light of the whole record and all the surrounding circumstances under which they were and are performed. A short recapitulation of pertinent evidence will demonstrate this.

The underlying philosophy of the Communist movement is contained in the doctrine of Marxism-Leninism, the real nature of which is described in other portions of these findings. Implicit therein are secrecy and concealment to effectuate attainment of its objectives. It is the aim of Respondent to bring about the dictatorship of the proletariat by violent means if necessary and to help the Soviet Union in the event of a war between that country and the United States. (See pp. 118-128, *infra*.) Members were taught in Party Schools that "there is no moral law for a Communist Party member except the success of that to which he has dedicated himself, that is to say, the classless society * * *, no oath, no statement in court, no consideration of any kind can come before the question of whether it helps or hurts the Party * * * they were to testify or to make affidavit or whatever it may be in accordance with the needs of the Party at that time and irrespective of the actual truth." Instances are shown wherein certain of Respondent's members swore falsely in court; false statements were made by CPUSA members in passport applications; and a high Communist official, J. Peters, was hidden by members of Respondent from Government authorities who were seeking him in a deportation case. It was basic in the *Theses and Statutes of the Third (Communist) International*, to which Respondent has adhered, that both open and secret nuclei be formed to carry on the work of propaganda and education under the control and discipline of the Central Committee of the Party; and that members were required to join in unlawful work and unlawful organizations if necessary for the Party's purposes. In addition, the conspiratorial nature of the Party must be considered. Stalin in the pamphlet, *Stalin's Speeches on the American Communist Party* (May 1929), in discussing the disruptive effect of factionalism, states: "as a result of which the whole internal life of our Party is robbed of its *conspirative* protection in the face of the class enemy," [italic supplied] (Pet. Ex. 109, p. 29). There is also evidence that in the 1939 to 1941 period "the whole organization was on a conspiratorial basis" and the schools were conducted "in accordance with the rules

of conspiracy." It was taught by Respondent in 1939 that "the purpose of this secrecy was to prevent the law-enforcement agencies" from getting information concerning the CPUSA "because it destroys the conspiratorial nature of the Party movement itself."

In 1940, in order to conceal its true status registration statements were filed by the *Daily Worker* under the Foreign Agents Registration Act which falsely made it appear that it did not come within the provisions of that Act.

Secrecy and concealment have been continuous and have not been limited to the period when Respondent felt it was under particular stress. There was, however, a fluctuation in the degree of secret activity. Thus, during the period of the Hitler-Stalin Pact, Eugene Dennis stressed the underground activity of the CPUSA and the necessity for attaining readiness for civil uprisings in the event the United States joined the Allies against Germany. After 1945, there was an intensification of secret practices. In July 1950, members were told that the world situation had created considerable alarm in Respondent and that consequently the Party was adopting stricter "security" measures. Shortly afterward, a reorganization took place for that reason; Respondent's clubs were divided into small groups and its members were identified by numbers instead of names. The Marxist Institute in Los Angeles, California, and the Marxist-Leninist Institute in Oakland, California, were conducted during late 1949 and part of 1950, with great secrecy. A regional convention was held in January 1951 in California, under conditions of extreme secrecy. At this convention there were speeches on the so-called peace campaign, on world conditions and on the necessity for stricter security measures.

Viewed against this background, it is established that such practices as secret memberships, hidden meetings of small groups, the acquisition of easily transported mimeograph machines, cryptically wording constitutions, the use of couriers and the restricted use of the mails and telephone, are not undertaken for the innocent purpose which Respondent seeks to ascribe to them. Nor can the infiltration of organizations, such as labor unions, be regarded as having a bona fide purpose. The evidence shows that the reason for such infiltration is to dominate such organizations for the Respondent's purposes. That this is basic can be seen from a book by Lenin entitled "*What Is To Be Done*," which Respondent's members read and studied. In this book, Lenin declares that Trade Unions are "a very useful auxiliary to the political, agitational, and revolutionary organizations" and that they can be controlled by "a small compact core" of agents "connected by all the rules of strict secrecy with the organizations of revolutionists" (Pet. Ex. 417, pp. 109-112).

We conclude that the secret practices undertaken by Respondent are for the purpose of concealing the true nature of the Party and promoting its objectives. We cannot accept Respondent's contention that its secret practices are merely devices utilized to protect the rights and liberties of its members.

Upon the basis of the foregoing and on the whole record, we find that Respondent engages in extensive secret practices, within the meaning of the Act, for the purpose of promoting its objectives and thereby to advance those of the world Communist movement; and for concealing its direction, domination, and control by the Soviet Union.

H. ALLEGIANCE

Section 13 -(e) (8) of the Act requires that the Board consider: the extent to which its [Respondent's] principal leaders or a substantial number of its members consider the allegiance they owe to the United States as subordinate to their obligations to such foreign government or foreign organization.

The petition alleges:

From 1919 to the date of the filing of this petition, the leaders of the Communist Party and a substantial number of its members have considered the allegiance they owe the United States as being subordinate to their loyalty and obligations to the government of the Soviet Union.

The petition further contains six specific allegations⁸⁶ which, if true, would show that Respondent's principal leaders and members consider the allegiance they owe the Soviet Union to be paramount to that owed the United States. Since the evidence of record which pertains to allegiance is broader in scope than Petitioner's specific allegations, we will not confine our findings of fact to the form of these specific allegations.

The evidence shows that a basic aim of Marxism-Leninism is the establishment of dictatorships of the proletariat in all non-Socialist countries of the world, and that Respondent adheres to and works to attain this goal in the United States.⁸⁷ The Marxist-Leninist Classics define dictatorship of the proletariat and demonstrate that it must be established by the forceful overthrow of existing non-socialist governments.

Stalin in *Problem of Leninism* (Pet-Ex. 138, pp. 26-27) defines the dictatorship of the proletariat according to its fundamentals:

Hence there are three fundamental aspects of the dictatorship of the proletariat.

(1) The utilisation [sic] of the power of the proletariat for the suppression of the exploiters, for the defense of the country, for the consolidation of the ties with the proletarians of other lands, and for the development and the victory of the revolution in all countries.

(2) The utilisation of the power of the proletariat in order to detach the toiling and exploited masses once and for all from the bourgeoisie, to consolidate the alliance of the proletariat with these masses, to enlist these masses in the work of socialist construction, and to assure the state leadership of these masses by the proletariat.

(3) The utilisation of the power of the proletariat for the organisation [sic] of socialism, for the abolition of classes, and for the transition to a society without classes, to a society without a state.

The dictatorship of the proletariat is a combination of all three aspects. None of these three aspects can be advanced as the sole characteristic feature of the dictatorship of the proletariat. On the other hand, it is sufficient for but one of these three characteristic features to be absent, for the dictatorship of the proletariat to cease being a dictatorship in a capitalist environment. * * *

In the following quotation, Stalin, with Lenin's help, reveals that the dictatorship of the proletariat must be installed through use of force by Communist minorities, independently of the will of the majority of the population, and that attempting to utilize peaceful means to do so is not to be considered:

⁸⁶ These allegations are to the effect that the Soviet Union is the fatherland of the world Communist movement which all Communists are obligated to support and defend; the Red flag has been and is the flag to which Communists owe allegiance; all American Communists must support and defend the Soviet Union in war with any nation; in event of war between the United States and the Soviet Union, they must work for the defeat of the United States; some of Respondent's present leaders took an oath to Stalin at the Seventh World Congress of the Comintern; and, to leaders and members of Respondent, "patriotism" means solidarity with the Soviet Union.

⁸⁷ See Marxism-Leninism, pp. 21-44, *supra*.

To think that such a revolution can be carried out peacefully within the framework of bourgeois democracy, which is adapted to the domination of the bourgeoisie, means one of two things. It means either madness, and the loss of normal human understanding, or else an open and gross repudiation of the proletarian revolution.

It is necessary to insist on this all the more strongly, all the more categorically, since we are dealing with the proletarian revolution which has for the time being triumphed in only one country, a country surrounded by hostile capitalist countries, a country the bourgeoisie of which cannot fail to receive the support of international capital.

That is why Lenin states that " * * * the liberation of the oppressed class is impossible not only without a violent revolution, but also without the destruction of the apparatus of state power, which was created by the ruling class. * * * " (*Collected Works*, Vol. XXI, Book II, p. 155. Also *State and Revolution*, Little Lenin Library, p. 9).

"First let the majority of the population, while private property is still maintained, that is while the power and oppression of capital are maintained, declare itself for the party of the proletariat. Only then can it, and should it, take power. That is what is said by *petty-bourgeois democrats who call themselves "socialists" but are really the henchmen of the bourgeoisie*. [My italics—J. S.]

"But we say: Let the revolutionary proletariat first overthrow the bourgeoisie, break the yoke of capital, break up the bourgeois state apparatus. Then the victorious proletariat will speedily gain the sympathy and support of the majority of the toiling nonproletarian masses by satisfying their wants at the expense of the exploiters. [My italics—J. S.] (*Collected Works*, Vol. XXIV, p. 647, Russian edition.)

"In order to win the majority of the population to its side," Lenin continues, "the proletariat must first of all overthrow the bourgeoisie and seize state power and, secondly, it must introduce Soviet rule, smash to pieces the old state apparatus, and thus at one blow undermine the rule, authority and influence of the bourgeoisie and of the petty-bourgeois compromisers in the ranks of the non-proletarian toiling masses. Thirdly, the proletariat must *completely and finally destroy* the influence of the bourgeoisie and of the petty-bourgeois compromisers among the *majority* of the nonproletarian toiling masses by the *revolutionary satisfaction of their economic needs at the expense of the exploiters*," (*ibid*, pp. 20-21).

Stalin also emphasizes that it is false for Communists to consider that such a thing as "peaceful evolution" from "bourgeois democracy" into a "proletarian democracy" is possible:

Marx's qualifying phrase about the Continent gave the opportunists and Mensheviks of all countries a pretext for proclaiming that Marx had thus conceded the possibility of the peaceful evolution of bourgeois democracy into a proletarian democracy, at least in certain countries outside the European continent (England, America). Marx did in fact concede that possibility, and he had good grounds for conceding it in regard to England and America in the seventies of the last century, when monopoly capitalism and imperialism did not yet exist, and when these countries, owing to the special conditions of their development, had as yet no (sic) developed militarism and bureaucracy. That was the situation before the appearance of developed imperialism. But later, after a lapse of thirty or forty years, when the situation in these countries had radically changed, when imperialism had developed and had embraced all capitalist countries without exception, when militarism and bureaucracy had appeared in England and America also when the special conditions for peaceful development in England and the United States had disappeared—then the qualification in regard to these countries necessarily could no longer hold good (*Foundations of Leninism*, Pet. Ex. 121, p. 55).

The following quotation is a reaffirmation by Stalin of the necessity of overthrowing "bourgeois" governments by forcible means:

Therefore, Lenin is right in saying:

"The proletarian revolution is impossible without the forcible destruction of the bourgeois state machine and the substitution for it of a *new one* * * * " (*Selected Works*, Vol. VII, p. 124) (*ibid*, at p. 56).

The foregoing is but an illustrative portion of the abundant utterances of the Classics relating to the nature and means of effectuation of the dictatorships of the proletariat throughout the world. They have not been taken out of context; they are embedded in the sense of these writings and mean what they say.

Although we have heretofore set forth under the heading "Marxism-Leninism" a review of the evidence and our finding that Respondent's adherence to Marxism-Leninism has implicit in it complete subservience to the fundamental principles thereof—that the Classics are binding upon Respondent in all fundamentals; it is desirable, because of the principles and policies of the Classics concerning allegiance to the Soviet Union, and particularly the necessity for the overthrow of existing "imperialist" governments, including, *inter alia*, the United States, to summarize here, by way of review, some of the evidence establishing Respondent's present adherence to the Classics.

In 1945, when Respondent reverted to the name Communist Party of the United States of America (maintaining the basic organizational form under which it presently operates), William Z. Foster announced to the membership, in substance, that the Classics assumed an even greater importance, and said that "as never before, we must train our Party in the fundamentals of Marxism-Leninism" (Pet. Ex. 372, p. 788). Alexander Trachtenberg in 1949 declared to a group of Respondent's members meeting in Washington, D. C., that Party leaders must know the Classics and be able to apply their principles to any current situation at any time. Petitioner's witness Matusow shows that in the Party the *Communist Manifesto*, though 100 years old, "is just as relevant today as it was in 1848 when it was written." The Classics were in use by the Party, to Matusow's knowledge, in December 1950. Marxism-Leninism, as embodied in the Classics, provided the basis of what Petitioner's witness Lautner taught and was taught at Respondent's National Training School. The Classics were used in the Marxist-Leninist Institute in Los Angeles which Petitioner's witness Evans attended until it was discontinued in June 1950.

It is established that the above Classics have been used in study courses during the years 1945-1950, for use in teaching Respondent's members.

A recent article by Alexander Bittelman, a CPUSA leader, states:

A theoretical contribution of Stalin which, like the *Foundations of Leninism* and his other theoretical works, ranks with the fundamental theoretical and philosophical works of Marx, Engels and Lenin, is the *History of the Communist Party of the Soviet Union*. The *History* is a fountainhead of Marxist-Leninist knowledge—theory, ideology, strategy, tactics, principles of organization. It is a guide to Marxist-Leninist action. It embodies the theoretical and programmatic positions of Marxism-Leninism (*Political Affairs*, December 1949, Pet. Ex. 373, p. 8). [Italic supplied.]

The same highly placed author, in January 1952, states:

Lenin's teachings are triumphing because they are true. The teachings of Lenin, further developed by Stalin, demonstrate their creativeness and cogency in all the great progressive struggles of our day and epoch. Lenin's teachings inspire the actions of the vanguard fighters for peace and democracy. Peoples fighting for equal rights and national independence find their advance fighters and leaders guided by the teachings of Lenin, so brilliantly continued and further developed by Stalin. And the magnificent historic fight of our epoch—the fight for socialism, for Communism—whose grandeur overshadows all of the great previous achievements of mankind, crowning them with the realization of the noblest aspirations and dreams of the human race—this historic fight, we are

proud to say, is guided by the teachings of Lenin and of his great continuer Stalin. It is led by parties of Marxism-Leninism, by Communist and Workers Parties (*Political Affairs*, Pet. Ex. 489, p. 1).

In addition to the documentary evidence, it was established through the testimony of Petitioner's witnesses Gitlow, Kornfeder, Nowell, Crouch, Honig, Johnson, Meyer, Hidalgo, Matusow, and Budenz, among others, that the CPUSA in reality advocates the overthrow of the government of the United States by force and violence. The membership of the above witnesses in the CPUSA spanned the entire existence of the Party until January 1951. Their various positions therein ranged from high offices to rank and file Party membership. All were in a position to know whereof they spoke.

Respondent engaged in extensive cross-examination of these witnesses on their testimony concerning force and violence and also examined its own witnesses at some length on this subject, thus joining issue thereon.

In essence, Respondent's witnesses testified that the CPUSA does not seek to overthrow the government of the United States by forcible means but rather it seeks to establish its program by peaceful means within the framework of the United States Constitution; that "force and violence" as referred to by Respondent comes into play only in the event that the duly elected "socialist" government is subject to "counter revolutionary" force by the unseated capitalist-monopolists; it then advocates meeting such an attempt by force to maintain their position. Respondent points to language in its 1945 and 1948 Constitutions (Pet. Exs. 329 and 374, respectively) which embraces the United States Constitution. On the other hand, Petitioner's witnesses establish that the principles of "scientific socialism, Marxism-Leninism," as used in Respondent's Constitution and other writings, have a definite meaning to CPUSA members,⁸⁸ i. e., that the basic goal of Respondent, founded on the writings of Marx, Engels, Lenin, and Stalin, namely, the establishment of the dictatorship of the proletariat, can be attained only by the violent shattering of the "bourgeois" state, and this includes the government of the United States.

It is established that such language in these Constitutions of Respondent, and other similar statements embracing the Bill of Rights and the United States Constitution, are irreconcilable with Marxist-Leninist principles, and are devices to clothe a conspiracy against the United States Government in the habiliments of legality. The testimony of Respondent's witnesses, as set forth above, is likewise rejected as being irreconcilable with the great weight of the evidence.

The testimony of Petitioner's witnesses establishes that, pursuant to the preachments of the Classics, the CPUSA seeks to overthrow the existing government in the United States, and its institutions, by forcible means, and to establish a dictatorship of the proletariat in proceeding to establish socialism.⁸⁹

We are also mindful that the evidence in this proceeding discloses, and we officially notice, that most of Respondent's foremost leaders, despite contentions like those made by Respondent in this proceeding, were recently convicted under the statute known as the Smith Act (Title 18, Secs. 11 and 13, United States Code) of conspiring to teach and advocate the overthrow of the United States government by force and violence; and that the convictions of eleven such leaders

⁸⁸ See Secret Practices for further details re "protective language," pp. 107-108, *supra*.

⁸⁹ See Marxism Leninism, pp. 21-44, *supra*.

which have been reviewed by the Supreme Court of the United States have been upheld (341 U. S. 494; Rehearing denied, 342 U. S. 842).

Respondent's adherence to and implementation of a concept requiring the overthrow of the United States Government by any means, including force and violence, is completely incompatible with, and the exact antithesis of, allegiance to the United States. This becomes even more clear when we examine additional international aspects of Marxism-Leninism from which this concept flows.⁸⁹

The Classics reveal that the requirement of paramount allegiance to the Soviet Union is but the natural corollary of the Soviet Union's position as leader of the world Communist movement and fatherland of the world proletariat. Consequently, the basic postulates of Marxism-Leninism, (a) protection of the Soviet Union, and (b) destruction of capitalist states and the establishment, ultimately, of world Communism, impinge directly upon allegiance. In the infancy of the Soviet Union, Lenin, as cited by Stalin in *Problems of Leninism* (Pet. Ex. 138, p. 19), evaluated its international position as involving inevitable clashes with imperialist states and proclaims the necessity for the Soviet Union to call forth the world revolution:

The second enormous difficulty was * * * the international question. If we were able to cope so easily with Kerensky's bands, if we so easily established our power, if the decree on the socialisation of the land and on workers' control, was secured without the slightest difficulty—if we obtained all this so easily it was only because for a brief space of time a fortunate combination of circumstances protected us from international imperialism. International imperialism, with all the might of its capital and its highly organized military technique, which represents a real force, a real fortress of international capital, could under no circumstances, under no possible conditions, live side by side with the Soviet republic, both because of its objective situation and because of the economic interests of the capitalist class which was incorporated in it, it could not do this because of commercial ties and of international financial relationships. A conflict is inevitable. This is the greatest difficulty of the Russian Revolution, its greatest historical problem: the necessity to solve international problems, the necessity to call forth the world revolution (*Collected Works*, Vol. XXII, pp. 315-317, Russian Edition).

That protection and security of the Soviet Union is fundamental to the world Communist movement is clear from Stalin's statement:

The final victory of socialism is a complete guarantee against attempted intervention, and that means against restoration, for any serious attempt at restoration can take place only with support from outside, only with the support of international capital. Hence the support of our revolution by the workers of all countries, and still more the victory of these workers in at least several countries, is a necessary condition for completely guaranteeing the first victorious country against attempts at intervention and restoration, a necessary condition for the final victory of socialism. (A quotation of Joseph Stalin cited by him in his *Problems of Leninism*, *supra*, at p. 64.)

The Classics make it plain that the Soviet Union, fostering its own security, will work toward the destruction of capitalism by developing revolutions in all countries. Stalin quoting Lenin:

Lenin expressed this thought in a nutshell when he said that the task of the victorious revolution is to do the utmost possible in one country for the development, support and awakening of the revolution in all countries (*Selected Works*, Vol. VII, p. 182) (*Foundations of Leninism*, Pet. Ex. 121, p. 46).

Stalin elaborates on this international aspect in setting forth the "absolute law" of capitalist development and of world revolution:

⁸⁹ See Marxism-Leninism, pp. 21-44, *supra*.

Uneven economic and political development is an absolute law of capitalism. Hence, the victory of socialism is possible, first in a few or even in one single capitalist country taken separately. The victorious proletariat of that country, having expropriated the capitalists and organized its own socialist production [my italics—J. S.] would rise against the rest of the capitalist world, attract to itself the oppressed classes of other countries, raise revolts among them against the capitalists, and in the event of necessity, come out even with armed force against the exploiting classes and their states (*Collected Works*, Vol. XVIII, p. 272) (*Problems of Leninism*, *supra*, at p. 69).

Stalin in *Foundations of Leninism* (Pet. Ex. 121, pp. 90-91) states in capsule form the strategy applicable to the various stages of the revolution, which depicts the Soviet Union as the "base" for the overthrow of "imperialism":

Our revolution already passed through 2 stages, and after the October Revolution it has entered a third stage. Our strategy changed accordingly.

* * * * *

Third stage. Commenced after the October Revolution. Objective: to consolidate the dictatorship of the proletariat in one country, using it as a base for the overthrow of imperialism in all countries. * * *

The hegemony exercised by the Soviet Union over the world Communist movement is that of originator and founder:

Is it surprising, after all this, that a country which has accomplished such a revolution and possesses such a proletariat should have been the birthplace of the theory and tactics of the proletarian revolution?

Is it surprising that Lenin, the leader of this proletariat, became the creator of this theory and tactics and the leader of the international proletariat? (*ibid*, p. 19).

The leadership of the Soviet Union is openly lauded in the *Programme of the Communist International* (Pet. Ex. 125, p. 27):

Thus, the system of world imperialism, and with it the partial stabilization of capitalism, is being corroded from various causes: First, the antagonisms and conflicts between the imperialist states: * * * and lastly, the hegemony exercised over the whole world revolutionary movement by the proletarian dictatorship in the U. S. S. R. The international revolution is developing.

In view of the fact that the U. S. S. R. is the only fatherland of the international proletariat, the principal bulwark of its achievements and the most important factor for its international emancipation, the international proletariat must on its part facilitate the success of the work of Socialist construction in the U. S. S. R. and defend her against the attacks of the capitalist powers by all the means in its power (*ibid*, p. 65).

The Soviet Union being the fatherland or home base of the world revolution, the leaders of the Soviet Union serve also as leaders of the organized world Communist movement. Hence, the Communist International, the Soviet Union, and Stalin were given pledges of allegiance by Respondent's leaders and members as shown by the evidence which we now set forth.

Nowell, a former CPUSA official who testified for the Petitioner in this proceeding, took an oath upon joining the CPUSA (in 1929) to carry out the Party line and to adhere to the principles of the Comintern at all times.

Earl Browder read a pledge to 2,000 workers who were initiated into the CPUSA in the New York District in 1935. Part of this pledge read as follows:

I pledge myself to rally the masses to defend the Soviet Union, the land of victorious socialism. I pledge myself to remain at all times a vigilant and firm defender of the Leninist line of the Party, the only line that insures the triumph of Soviet Power in the United States (Pet. Ex. 145, p. 105).

At Madison Square Garden in New York City in 1937, about 3,000 new recruits to the Party pledged, among other things, to uphold and advance the program of the Communist Party, as well as their "complete devotion to the Leninist struggle for socialism—for a Soviet America."

At the Seventh World Congress of the Communist International at Moscow in 1935, delegates from the CPUSA, including some of the present leaders of the Party, took an oath of fealty, "To Comrade Stalin, leader, teacher, and friend of the proletariat and oppressed of the whole world" whom they assured that "the Communists will always and everywhere be faithful to the end and to the great and invincible banner of Marx, Engels, Lenin, and Stalin" and that "under this banner, Communism will triumph throughout the world."

The delegation of Respondent to this Congress approved this oath of fealty to Stalin and two of the delegates, Browder and Foster, were elected at this Congress to the Presidium of the Executive Committee of the Communist International. Subsequently, the decisions of the Seventh Congress of the Communist International and the work of the CPUSA delegation at that Congress were fully approved by the Central Committee of Respondent.

Of the nine members of the delegation to the Seventh World Congress of the Communist International who took and approved this oath to "Comrade Stalin," six, namely, William Z. Foster (National Chairman), John Williamson (Labor Secretary), Gilbert Green, Jack Stachel, William Schneiderman, and Martha Stone, are presently leaders of the CPUSA. At the 15th National Convention of the CPUSA, held between December 28-31, 1950, the Party elected these six members or alternate members of its National Committee.

After this 1935 Congress of the Communist International, all Communist leaders and functionaries had to take a basic pledge or oath of loyalty to Stalin.

Foster, as the principal speaker at the 1948 Ohio State Convention of Respondent, stated that the CPUSA in Ohio should elect as leaders only those individuals upon whom they could depend in the event of a war between the Soviet Union and the United States.

In 1949, the CPUSA published a message to Stalin in which the Party accused the United States Government of violating the commitments made at Yalta and at Potsdam and referred to the existing government as "American imperialists." This message, in effect, constituted a reaffirmation by the CPUSA of its loyalty and a further acknowledgment of Stalin's leadership of the world-wide Communist movement.⁹⁰

Twelve of the thirteen members of the National Committee of the CPUSA, who were elected at the 15th National Convention of the Party held December 28-31, 1950, and three of the alternates have been convicted under the Smith Act as heretofore noted. Four of those convicted, namely, Williamson, Green, Schneiderman, and Stachel, were among those leaders of Respondent who took an oath of fealty to Stalin at the Seventh World Congress of the Communist International at Moscow in 1935. The record does not disclose that any of these CPUSA leaders who have taken oaths of fealty to Stalin have ever repudiated the oaths, or that Respondent has repudiated their action.

See Training and Reporting, pp. 89-98, *supra*.

That the allegiance owed the Soviet Union by Respondent's leaders and members is paramount to that owed to the United States is further borne out by the record. The evidence establishes numerous instances in the past where Respondent and its leaders have urged its members to defend the Soviet Union, even in the event of a war between that country and the United States of America. The slogan "Defend the Soviet Union," has been used in this regard.

Respondent's students at the Lenin School in Moscow, in the period between 1927 and 1937, were taught that the role of the CPUSA, in the event of war between the Soviet Union and the United States, is to support and defend the former and to labor for the defeat of the latter.

Early in its history, the CPUSA regarded as one of its purposes or duties the defense of the Soviet Union as the fatherland of the working classes all over the world. All new members of Respondent were instructed between 1927 and 1939, that the first and only allegiance of a Party member is to the workers' fatherland, namely, the Soviet Union, and not to any capitalist government.

A Red flag, brought from Moscow in 1929 by one of Respondent's members, was displayed at lectures on the Soviet Union. The use of the flag of the Soviet Union at a Communist camp in Michigan during the early 1930's, and up to 1936, was intended to signify the fatherland of the working class, or Communism as practiced in the Soviet Union, as well as to make friends for the Soviet Union, and to draw the American people nearer to Communist ideology and the CPUSA.

Two members of Respondent's Central Committee criticized a Party official for authorizing the flying of the American flag in a Fourth of July parade in 1934.

In 1935, Dimitri Z. Manuisky, then head of the Communist International, told Respondent's delegates to the Seventh World Congress of the Communist International in Moscow, at a meeting immediately prior thereto, that the first allegiance of all CPUSA members was to the workers' fatherland, the Soviet Union. Manuisky demanded that the subject of allegiance again be stressed throughout the lower ranks of Respondent. Students at Respondent's schools in the United States, particularly in 1932 and 1936 to 1941, were taught that the first and only allegiance of a Party member is to the Soviet Union, the fatherland, rather than to the United States.

A document in which the defense of the Soviet Union is urged, *The Communist Party: A Manual On Organization*, by J. Peters, was used during the 1940's as reference material by CPUSA officials.

Students at the Communist Midwest Training School in Chicago were taught in December 1945, that the Communist forces throughout the world owe their allegiance to the Soviet Union. Party members were taught at Respondent's meetings in 1948 that they owe allegiance to the "democratic forces" of the world and that the Soviet Union represents such forces.

Petitioner's witness Lautner, a former high official of Respondent, learned from his varied experience in the Party from November 1929 until January 17, 1950, that the primary duty of a CPUSA member lies in the defense of the Soviet Union. A CPUSA leader in November 1950 denounced the United States for inciting war against the Soviet Union. He urged Party members to respond to "imperialist slanders and war incitements" by an "ideological and political offen-

sive in the defense of the Soviet Union as the leader of the world camp of peace, democracy and Socialism," as well as "to support and defend the peace policy of the Soviet Union."

This evidence takes on clearer meaning when it is viewed against the Marxist-Leninist concept of "imperialism", and its corollary "just and unjust wars."⁹¹

The Classics are specific on the question of war as is exemplified by the following quotation from the *History of the Communist Party of the Soviet Union (Bolsheviks)* (Pet. Ex. 330, pp. 167-168):

It was not to every kind of war that the Bolsheviks were opposed. — They were only opposed to wars of conquest, imperialist wars. The Bolsheviks held that there are two kinds of war:

(a) *Just wars*, wars that are not wars of conquest but wars of liberation, waged to defend the people from foreign attack and from attempts to enslave them, or to liberate the people from capitalist slavery, or, lastly, to liberate colonies and dependent countries from the yoke of imperialism; and

(b) *Unjust wars*, wars of conquest, waged to conquer and enslave foreign countries and foreign nations.

Wars of the first kind the Bolsheviks supported. As to wars of the second kind, the Bolsheviks maintained that a resolute struggle must be waged against them to the point of revolution and the overthrow of one's own imperialist government.

In applying this basic concept, it was taught at the Lenin School in Moscow, and by Respondent at its schools and meetings during its entire existence, that a "just" war is any war in which the Soviet Union has as an adversary an imperialist power, regardless of whether the Soviet Union is the aggressor or the defender; and that any war between a colony and its mother country is a "just" war for the colony. Conversely, any war against the Soviet Union, regardless of which nation might be the aggressor, is an "unjust" war for the Soviet Union's adversary.

In the event of war between two capitalist countries, the Communist role is to work for the destruction of both, thus leaving to the Soviet Union a clear path for future conquest.⁹² In the event of a war between the Soviet Union and the United States, however, CPUSA members are to work for the defeat of the United States.

The students at the National Training School of the CPUSA in New York City in about 1932, were taught that in the event of such a war, it was the duty of every Communist to help defeat the United States and to secure the victory of the Soviet Red Army; and that Communist cells in the American armed forces should work for the demoralization of such forces.

Browder stated in 1938, that in the event of a war between the Communist and non-Communist worlds, the task of the Party is to work for the victory of the Soviet Union, and world Communism.

The CPUSA, adhering to the principles of Marxism-Leninism, has consistently characterized the United States as an "imperialist" and a "capitalist" nation which by definition can participate only in "unjust" wars. Any war among capitalist countries or by a capitalist nation against a "socialist" country, such as the Soviet Union, is considered by Respondent to be an "unjust" war. However, the Soviet Union or any other "socialist" countries are upheld as "anti-imperialist" nations which cannot possibly start an "unjust" war; any war participated in by "socialist" nations is considered by

⁹¹ See Marxism-Leninism, pp. 21-44, *supra*.

⁹² It is interesting to advert here to the history of the Nazi-Soviet Pact as related in our findings herein under Nondeviation, pp. 82-83, *supra*.

Respondent to be a "just" war from the standpoint of such nations. In fact, in 1949, Foster and Dennis, leaders of Respondent, wrote in the Party publication, *Daily Worker*, that Respondent would oppose a "Wall Street" war as "unjust, aggressive, and imperialist." Thus, the war in Korea is considered by Respondent to be a "Wall Street" war. In this connection, the United States has been portrayed by Respondent as the leader of all the imperialist nations bent on world conquest, while the Soviet Union is pictured as the peace-loving leader of the anti-imperialist nations.

In 1940, Eugene Dennis discussed with witness Budenz the steps to be taken by Respondent to turn the "imperialist" war into a civil war in this country, should the United States join with Great Britain against the Hitler-Stalin combine.

Students were taught in CPUSA schools in 1941 and 1947, that imperialism is worldwide and that a worldwide organization is necessary to bring about its downfall; further, that the world Communist movement is such an organization.

In December 1948, Henry Winston, National Organizational Secretary and a member of Respondent's National Committee, stated that the question of industrial concentration and placing of members of the CPUSA youth movement in the basic industries was particularly important at that time because, in the event of an "imperialist" war, their presence would be necessary in order to mobilize workers against this war, to slow down production, and to do whatever possible to make certain that such an "unjust" war is not successful. Winston is one of those convicted of a violation of the Smith Act, referred to earlier.

The position the CPUSA stressed in 1949⁹³ was that there were two camps in the world: one, the "imperialist" camp led by the United States, and the other camp of the "forces for peace and democracy" led by the Soviet Union; and, that everything must be done to support the latter as against the former. In order to accomplish this objective, Respondent took the position that it should build and expand its Marxist-Leninist ideology.

At a secret meeting of Respondent in Baltimore in 1949, it was agreed that its members would not bear arms for the United States in the event of any conflict between the United States and the Soviet Union.

Students at the Marxist-Leninist Institute in Los Angeles from April 1949 to June 1950, were taught that the Soviet Union could at no time start an "unjust" war while the United States could start an "unjust" war but never a "just" one; further, that a good Communist must support a nation engaging in a "just" war and oppose an "unjust" war.

The position of the CPUSA at the present time is that the Korean War is an "unjust" war which the United States and her allies are waging as aggressors against the North Korean and Chinese peoples.⁹⁴

From the evidence contained in this record, we find that Respondent exists in this country fundamentally for the purpose, which it constantly seeks to accomplish, of overthrowing the Government of the United States by force and violence, in order to install "socialism" under the dictatorship of the proletariat, after the manner of the Soviet Union; this is the very antithesis of allegiance to the United States.

⁹³ See also Imperialism re this position of Respondent, p. 49, *supra*.

⁹⁴ See Nondeviation, p. 84, *supra*.

We find upon the whole record that the evidence preponderantly establishes that Respondent's leaders and its members consider the allegiance they owe to the United States as subordinate to their loyalty and obligations to the Soviet Union.

II. LEGAL DISCUSSION

Respondent attacks the Recommended Decision asserting it does not fulfill its function, and that it cannot be relied upon by the Board because it allegedly misstates the record, fails to present relevant matters, and confuses the record and issues. Respondent sets forth specific instances which it contends are illustrative of the above alleged errors.

We have heretofore reviewed these matters, along with Respondent's overall exception to the Recommended Decision (No. 310), in disposing of its motion of November 24, 1952, to strike the Decision. As indicated in our Memorandum Opinion and Order of February 24, 1953, denying Respondent's motion, we have completely analyzed and evaluated anew all the evidence in this proceeding, considering all exceptions and contentions of the Parties. Our findings in this report contain only that substance from the Recommended Decision, which we, after an independent evaluation of the record, have confirmed as being supported by a preponderance of the evidence.

Respondent next contends that the Panel admitted both oral and documentary evidence of Petitioner without a proper foundation of competency. It cites examples which it claims are egregious. Respondent argues that while allowing boundless latitude to Petitioner, the Panel erroneously curtailed its cross-examination of all of Petitioner's witnesses, as well as the submission of its proof. It asserts that the Panel erred in refusing to require production of reports and memoranda turned over to the Federal Bureau of Investigation by Petitioner's witnesses, in restricting its cross-examination designed to show that Petitioner's witnesses were not credible, in excluding "various" exhibits offered by Respondent, and in its rulings regarding the evidence relating to the nondeviation criterion of the Act.⁹⁵ We have considered each of these specific allegations and we find no substantive error regarding the matters alleged by Respondent. Nor can we find any reasonable justification for Respondent's assertion that the Panel restricted its proof and its cross-examination of witnesses. It is noteworthy that Respondent cross-examined Petitioner's witnesses exhaustively and at great length. It was afforded every opportunity to present all material and relevant evidence, to the fullest. Any shortcomings in this respect must lie with Respondent.

Respondent further contends that the Recommended Decision does not rest on evidence of its activities subsequent to the effective date of the Act, but rather that it rests on certain "props" which assertedly are contrary to the evidence and the law. Respondent defines these "props" as the Panel's suggestion that the dissolution of the Comintern in 1943 was not real and that there is some relationship between Respondent and the Cominform; the Panel's conception (a) of Marzism-Leninism, (b) of the Comintern, (c) that Respondent's disaffiliation therefrom in 1940 was not real, and (d) that the formation

⁹⁵ We have disposed of this latter contention in our discussion concerning nondeviation, pp. 79-82, *supra*.

of the Communist Political Association and the reconstitution of the CPUSA were on orders from Moscow.

Specifically with respect to the Panel's concept of Marxism-Leninism and its reliance thereon, Respondent argues that the decision in *Schneiderman v. United States*, 320 U. S. 118, "held that the principles of Marxism-Leninism, as expressed in classical Marxist-Leninist literature, could reasonably be understood so as to be consistent with being 'attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.'" Further, it contends that it is a violation of the First Amendment and the holding in *Dennis v. United States* (339 U. S. 162), to consider as evidence of "guilt" under the Act the belief in, or discussion of, Marxist-Leninist principles and literature (p. 57). After due study and deliberation of the foregoing decisions we conclude that they are in no sense *res judicata* of, or applicable to, the issues in this proceeding, nor do they in any way preclude the findings and disposition we have made herein. After consideration of these decisions we made detailed findings regarding Marxism-Leninism, which have been set forth above; they are based upon a preponderance of the evidence of record and we deem it unnecessary to discuss them further. Respondent's position with respect to the so-called "props" of the Recommended Decision is untenable. We have, however, considered these propositions and to the extent, and in the form, they appear in our findings in this report they are not subject to the infirmities alleged.

Respondent has repeatedly urged that the issue of whether it is a Communist-action organization must be resolved by evidence of its activities and status during the period between the effective date of the Act (September 23, 1950), and the date of the petition (November 23, 1950). Proceeding on this basis, it has continually attacked the reception and use of evidence pertaining to its activities and status prior to the Act. Initially, it raised the question concerning pre-Act evidence in its motion to dismiss the petition. In disposing of this contention we ruled in our Memorandum Opinion and Order of January 24, 1951, denying the motion, that evidence of conduct or activities which occurred prior to the passage of the Act may be of probative value to establish issues coming into existence after the effective date of the Act and, if so, could be received. Respondent now argues that the Panel, in its Recommended Decision, while giving "lip service" to the Board's ruling, completely "negatives" it by relying on a legal presumption of continuation of a condition. Respondent further argues that no such legal presumption exists when, as here, there has been a change of law (enactment of the Act) which attaches sanction to previously innocent conduct. It stresses that, if such a presumption existed, it was nevertheless "illegitimate" for the Panel to rely thereon in the face of the uncontradicted testimony of its witnesses. It further argues in this connection that the use of pre-Act evidence by the Panel amounted to an unconstitutional "*ex post facto*" application of the Act and was contrary to its provisions.

As is apparent, evidence relating to periods throughout Respondent's entire history has been received and properly so under our aforementioned ruling on this point. In order to resolve the issues presented here, it is advisable, if not necessary, to consider Respondent's entire existence.

In reaching our conclusion herein we have considered and weighed commensurately, therefore, such pre-Act evidence as reasonably tends to establish or illuminate the present nature, activities, character, and status of Respondent in connection with the issues presented for decision. We believe that in so doing there has been no violation of the Act itself or any *ex post facto* or other unconstitutional application thereof. As the Supreme Court of the United States has stated "present events have roots in the past." This is particularly true in this proceeding where consideration thereof brought to light facts, and raised presumptions and inferences tending to show Respondent's true current purpose, as well as the nature of its present conduct. We have been able to trace Respondent's operations over more than thirty years into the present and have found that at no time during this period has Respondent changed its fundamental objectives, or its nature and purpose. There are no protestations of repentance and reform; and, though Respondent continually points to its "disaffiliation" from the Communist International, for example, as a severance of its relationship with international Communism, a study of its pre-Act existence properly enabled us to adjudge that this was, at most, only a superficial act designed in the interest of domestic political expediency to circumvent adverse legislation (Voorhis Act).

It would have been unwarranted by law to compel Petitioner to restrict its proof to fragmentary evidence confined to a relatively minute portion of Respondent's existence, i. e., the two-month period between the passage of the Act and the filing of the petition. Our determination on this question is supported by the authorities. *United States v. Schneiderman et al.* (106 Fed. Supp. 892, 898-900); *United States v. Dennis et al.* (183 F. 2d 201, 231-32); *F. T. C. v. Cement Institute et al.* (333 U. S. 683, 704-706); *N. L. R. B. v. Pacific Greyhound Lines* (91 F. 2d. 458, 459).

The law assumes in the absence of proof to the contrary, which Respondent did not establish to our satisfaction, that a condition or set of facts shown not too remotely in the past (all circumstances considered) to have existed, still continues. In the circumstances here presented we do not consider that the passage of the Act, in and of itself, affects this presumption respecting Respondent. In addition thereto, the record contains ample post-Act evidence which, when illuminated, supports our finding.

It should be noted in the latter connection that Respondent further contends that there is insufficient post-Act evidence in the record to support the Panel's finding against it. As this contention is really part and parcel of the foregoing, we shall not consider it further.

Suffice to say, our finding herein, that Respondent is a Communist-action organization, is clearly supported by a preponderance of the probative evidence of record.

Respondent also takes the position that Petitioner is required to prove the existence of a world Communist movement having the characteristics described in Section 2 of the Act, and that it has failed to do so. It asserts the finding made by the Panel concerning the objective of the world Communist movement is irrelevant and unsupported by the evidence. In view of the fact that we have heretofore found on this record that a world Communist movement exists, substantially as described in Section 2 of the Act, it is unnecessary to discuss whether such a finding is required. The evidence stated in our

findings on the world Communist movement⁹⁶ as well as the other findings in this report plainly establish the existence of an international Communist movement organized and directed by the Soviet Union, which conforms substantially to that described by the Congress in Section 2 of the Act. Respondent does not contend that there is more than one world Communist movement in existence and it is incorrect to state that the movement found herein is not sufficiently identified with that described in Section 2.

Throughout this proceeding Respondent has attacked the constitutionality of the Act and has contended that it was being administered in an unconstitutional manner. As we have previously ruled, the constitutionality of the Act is not properly an issue before us; and we presume that the Act is constitutional. We shall, therefore, address ourselves to the latter group of contentions. In this connection Respondent, during the hearing, in its briefs, exceptions, and supporting memorandum has persistently charged violations of the Bill of Rights of the Constitution. It contends that it violates the First Amendment to use as evidence, to base findings on, or to draw conclusions from its conduct and various statements relating to what it teaches in its schools, materials used in connection therewith such as books, study outlines and reading lists, statements by it or its leaders as contained in various publications including the *Daily Worker*, *Political Affairs*, and *For a Lasting Peace, for a People's Democracy* and the Marxist-Leninist Classics, and other important documents. On this basis it takes exception to statements in the Recommended Decision which, among others, are quotations from its various publications or Marxist-Leninist Classics, and to findings concerning the source, nature, and content of Marxism-Leninism, the world Communist movement, its leader and its objective, as well as the finding that it is a Communist-action organization.

Respondent further contends that the various findings of the Recommended Decision together with the recommendation that the Board enter an order requiring it to register as a Communist-action organization violate the Fifth Amendment. As best we can ascertain, this contention, that due process of law has not been accorded it, has a dual aspect. The first is a corollary to Respondent's assertion that much of the evidence in this proceeding violates the First Amendment, and the other, that irrespective of this it is none the less violative of the Fifth Amendment to find against Respondent on this record. Moreover, Respondent argues that the testimony of Petitioner's witnesses who were "planted in the CPUS as FBI informers, should have been [sic] excluded under the First, Fourth, and Fifth Amendments."

Although it is extremely difficult in many instances to determine from Respondent's general allegations exactly the specific bases of its contentions, we have reviewed these contentions with great care and have examined their many aspects as they apply to our report herein. We find that no violation of Respondent's constitutional rights has been committed in this proceeding. To adopt Respondent's theory of what comprises constitutionally protected conduct and expression would result in closing to Petitioner legal avenues of proof.

In conjunction with its contentions respecting violations of the Fifth Amendment we have also examined Respondent's general asser-

⁹⁶ Pp. 4 to 9, *supra*.

tion, often repeated, that a fair and impartial hearing has not been accorded it. From our analysis of the record, we find that Respondent has been accorded a fair and impartial hearing, and a full measure of due process of law.

CONCLUSION

The evidence in this proceeding discloses the history and activities of the Communist Party of the United States (Respondent herein) over the period of its entire existence. From its inception in 1919, it has been a subsidiary and puppet of the Soviet Union.

Since the late 1930's, when it was faced with adverse legislation, Respondent has become increasingly diligent and resourceful in its efforts to appear as a domestic political party while continuing its subservience to the Soviet Union. Many of its practices were contrived to conceal its revolutionary objectives. Thus, it continues as an avowed Marxist-Leninist organization, but, except to initiate, disclaims so much of Marxism-Leninism as would endanger its continued legal existence to espouse. As in the present proceeding, this frequently entails disavowing the core of Marxism-Leninism.

Consequently, Respondent is met with the dilemma of appearing to reject but yet maintain its reason for being. As our findings in this report reveal, this dual role is so fundamentally incongruous as to be incapable of fulfillment under scrutiny. It is so innate in Respondent's nature that it seek and accept Soviet Union direction and control that, in actuality, it does not function as the purely domestic political party whose role it would, de jure, assume. Rather, nurtured by the Soviet Union, it labors unstintingly to advance the world Communist movement.

With consummate patience, the Party strives for the establishment of a dictatorship of the proletariat in the United States; a goal which would rob the American people of the freedoms they have forged. While using the cloak of the United States Constitution, it struggles unremittingly to synthesize from the complexities of our time a condition in this country which would enable it to shackle our institutions and preside over a Soviet America, under the hegemony of the Soviet Union.

Upon the overwhelming weight of the evidence in this proceeding, we find that Respondent is substantially directed, dominated, and controlled by the Soviet Union, which controls the world Communist movement referred to in Section 2 of the Act; and that Respondent operates primarily to advance the objectives of such world Communist movement.

Accordingly, we find that the Communist Party of the United States is a Communist-action organization and required to register as such with the Attorney General of the United States under Section 7 of the Act.

An appropriate order will be entered.

By the Board:

(Signed) PETER CAMPBELL BROWN,
Chairman.

(Signed) KATHRYN McHALE,
Member.

(Signed) WATSON B. MILLER,
Member.

Dated: April 20, 1953, at Washington, D. C.

CODDAIRE, *Member* (concurring):

On the basis of the testimony, the documentary material, and the Recommended Decision, all of which I have carefully read and studied, I am fully in accord with and concur in the findings and in the determination that the Respondent herein, the Communist Party of the United States of America, is a Communist-action organization under subsection (3) of Section 3 of the Act and required to register as such under Section 7. Since the Respondent has attempted by its briefs and arguments to eviscerate the Act and this proceeding, and since issues of far-reaching importance have been raised, I deem it desirable to set forth my understanding as to the nature and scope of the Board's Order issued herein. Proper understanding of the nature and scope of the Board's Report and Order does much to eliminate Respondent's contentions against the Act and the application of the Act to the Respondent.

The Subversive Activities Control Act of 1950 marks the beginning of a new stage in the development of public policy against un-American and subversive activities. The Board has been launched as a quasi-judicial agency for the carrying-out of the fact-finding and resultant adjudicatory aspects of a statutory scheme for, *inter alia*, identification of foreign dominated and foreign controlled organizations which operate in the United States primarily to carry out the evils found by Congress to be present in the world Communist movement.

Of particular importance are the facts that, in my opinion at least, registration proceedings before the Board are not criminal proceedings and reasonable registration in the public interest is not punishment. The result of the Board's order is not to outlaw the Communist Party nor is it punitive for past conduct. This proceeding is concerned solely with what amounts to the determination of a status. The order has, in effect, a forward-looking function aimed at registration or identification, as do many regulatory measures.

Respondent's main legal objections involve what it calls an improper use of pre-Act evidence, and a "built-in verdict" whereby under the Act the Board has no discretion other than to find as it has. These contentions, particularly when viewed against the nature and scope of the Board's Order as set forth above, are devoid of merit. The Board's Report treats with the question of pre-Act evidence and further elaboration is not necessary other than to emphasize that it is clearly proper, in my opinion, to base the determination of a status, or of characteristics, upon past and current facts whose weight we have strictly weighed.

Regarding the many arguments advanced by the Respondent in connection with its "built-in verdict" contention, the short answer is that the facts which have been ascertained in our Report, as established upon the formal record made in this proceeding, clearly and unequivocally show the Respondent to be a Communist-action organization as defined in the Act. Although there is no need for the Board to express an opinion on the constitutional questions raised by the Respondent, and I do not presume to do so, I can see nothing illegal *per se* in that the proofs in this proceeding establish the Respondent to be characteristically just the type of organization which the registration provisions of the Act cover.

(Signed) DAVID J. CODDAIRE,
Member.

Dated: April 20th, 1953, at Washington, D. C.

APPENDIX A

THE WITNESSES

Twenty-two witnesses appeared for Petitioner, nineteen of whom were former members of Respondent. Three witnesses appeared for Respondent, all of whom are members of the CPUSA. The periods of membership appear in parentheses after the names of witnesses. An asterisk appears after the names of witnesses who joined or rejoined Respondent as a result of conference with the Federal Bureau of Investigation.

PETITIONER'S WITNESSES

A. PETITIONER'S WITNESSES—FORMERLY MEMBERS OF THE RESPONDENT

- BERENIECE BALDWIN*** (1943-1952): Membership director of Party Club in 1943; delegate to Michigan State Communist Party Convention in 1944; handled registration and membership records for Michigan District in 1947-1948; secretary of Party Section 1947-1950.
- JOHN VICTOR BLANC*** (1934-1936; 1944-1949): Attended CPUSA schools in 1947 and 1948; dues secretary of Party Club in 1944; press and literature director for Party Club; organized and was chairman of Party Club 1947-1949; attended Ohio State Communist Party Convention in 1945, 1947 and 1948.
- LOUIS FRANCIS BUDENZ** (1935-1945): Member, New York State Trade Union Committee, 1936-1937; labor editor of the *Daily Worker*, 1936-1937; member of Respondent's National Committee, 1936-1940; member of Illinois State Committee, 1937-1940; editor, *Midwest Daily Record*, 1937-1940; member of New York State Committee, 1940; president of Freedom of Press Company, Inc., 1940-1941; managing editor, *Daily Worker*, 1941-1945; alternate member, National Committee of Communist Political Association, 1944-1945.
- PAUL CROUCH** (1927-1942): Member of Young Workers League; chairman, CPUSA National Anti-Military Commission, 1928; member, National Young Communist League Secretariat, 1929; editor of the *Young Worker*, 1929; delegate, CPUSA National Convention, 1929, 1934, 1936, 1938 and 1940; National Secretary, Anti-Imperialist League; instructor in various CPUSA schools; CPUSA organizer in various Districts and officer in various District organizations.
- WILLIAM GARFIELD CUMMINGS*** (1943-1949): Press director, secretary, vice chairman, and chairman of Party Clubs; member, Ohio State Communist Party Committee; delegate to Ohio State Communist Party Convention, 1945 and 1948; delegate to CPUSA National Convention, 1948.
- TIMOTHY EVANS, Jr.*** (1948-1952): Chairman of Party Club; delegate to CPUSA regional convention in 1951; group leader and section educational director in 1951; assigned as "underground" member of CPUSA in summer 1951.
- BENJAMIN GITLOW** (1919-1929): Helped organize Respondent in 1919; member of Labor Committee and National Committee of Communist Labor Party; member of Political Committee (governing body) for most of time as member of Respondent; member of Secretariat, 1927-1929; General Secretary, 1928-1929; member, Executive Committee of Red International Trade Union, 1928-1929; present at conferences in Moscow, 1927, 1928, 1929; member, Executive Committee of the Communist International, 1928-1929.
- BALMES HIDALGO*** (1946-1949): Membership director of Party Club; financial secretary of Party Club; press director of Party Section; attended Party leadership school, 1947.
- NATHANIEL HONIG** (1927-1939): Discussion leader in Party Unit; employed by *Daily Worker*; editor, *Timber Worker*, 1937-1938, also editor of *Labor Unity*, 1930-1934; attended CPUSA National Convention, 1929-1934; teacher at Lenin School in Moscow, 1934-1935; representative of Trade Union Unity League to Red International of Labor Unions (Profintern) in Moscow; managing editor of *Western Worker*, 1936-1937.
- JOHN EDWARD JANOWITZ*** (1943-1952): Member of various Party Clubs and Shop Units; alternate delegate to CPUSA Ohio State Convention, 1950.
- MANNING JOHNSON** (1930-1940): CPUSA district organizer and district Agitation and Propaganda director; National Negro organizer for Trade Union Unity League; member, CPUSA National Committee Trade Union Commission; member, Negro Commission of National Committee; member, CPUSA National Committee, 1936-1938; student at CPUSA schools.

- JOSEPH KORNFEDER (1919-1934):** Helped organize Respondent in 1919; Branch organizer, 1919-1920; member, Central Committee, 1920-1924 and 1926-1928; labor union activities director, 1921-1922, eastern area director, 1920-1927; member, district committee and district bureau of Ohio, 1932-1934; general secretary, Trade Union Unity Council of New York; member, district bureaus and district committees; attended Lenin School in Moscow 1927-1930; Communist International representative in South America, 1930 and 1931.
- JOHN LAUTNER (1929-1950):** District Secretary of CPUSA National Hungarian Bureau in various States during 1930-1941; organizer in CPUSA sections and districts 1933 and 1936; director, CPUSA National Training School for Hungarian members, 1932; head of New York State Communist Party Review Commission, Fall 1947; member of CPUSA National Review Commission and in charge of security for New York State Party, 1948-1950.
- MARY STALCUP MARKWARD* (1943-1949):** Chairman, Party Club in 1944; membership director and treasurer for City of Washington, 1944; City Committee for Washington, D. C., 1945; member, District Committee, 1945 and 1948; visitor at Party National Convention in 1944.
- HARVEY M. MATUSOW (1947-1951):** Member of various Party youth clubs; employee of Jefferson School and manager of Camp Unity Book Store in 1948; Press Literature and Educational director of youth club, 1948-1949; employed at New York County Party headquarters in 1949; acting National Literature Director of the Labor Youth League and member, N. Y. State Executive Committee of the League during 1949 and early 1950; State literature director, New York Labor Youth League.
- FRANK STRAUS MEYER (1934-1945):** Transferred from British Communist Party; worked in Paris for British Communist Party in 1934; associated with British Young Communist League's Secretariat of the Central Committee; active in youth work in United States and Canada while a member of CPUSA; Area secretary, youth section, American League Against War and Fascism; Educational Director of Party Section, 1935-1937; Director, Chicago Workers' School and District Educational Director, 1938-1941; District Membership Director and Assistant Organizational Secretary, 1941-1942; instructor at Jefferson School, 1944.
- WILLIAM ODELL NOWELL (1929-1936):** Student, instructor, and director in Communist Party School in Detroit, Michigan; member and secretary of District Negro Commission, 1929; member of Michigan District Bureau and District Secretariat, 1930; member and later President of the Detroit Chapter of the Anti-Imperialist League, 1929; member, International Labor Defense, 1929; organizer, American Negro Labor Congress, 1929; Communist Party organizer in Auto Workers Union and Union representative to founding convention of Trade Union Unity League, 1929; manager, Workers' Book Store, Detroit, 1930; circulation manager of *Daily Worker* and Education Director in Michigan District; attended Lenin School, Moscow, 1931; Communist Party delegate to a celebration of Russian Revolution in Moscow, 1929; representative of Trade Union Unity League to Profintern.
- HERBERT A. PHILBRICK* (1944-1949):** Joined Massachusetts Youth Council in 1940 and was later chairman; joined Young Communist League in 1942 and American Youth for Democracy in 1943; member, Communist Party State Education Commission of Massachusetts; chairman, Massachusetts Communist Party leaflet production; alternate delegate, Massachusetts Communist Political Association Convention, 1945; State treasurer, American Youth for Democracy, 1943-1945; Cell Organizer, 1944; attended Communist Party Training School, 1945; District Educational Director, 1947; Professional Group Literature Director, 1947-1949.
- DANIEL SCARLETT* (1947-1952):** Member of various Communist Party Clubs in 1947-1948; Press Director, El Sereno Club, 1948; Club organizational secretary, Mexican Concentration Club, 1948-1951; transferred to "underground" January 1951.

B. PETITIONER'S WITNESSES—NEVER MEMBERS OF OR CONNECTED WITH RESPONDENT

JOHN W. CARRINGTON: Clerk of the Un-American Activities Committee of the House of Representatives. This witness was subpoenaed by the Attorney General in this proceeding to produce and authenticate, in his official capacity, certain documents from the files of the House Un-American Activities Committee.

ALEXANDER LOGOFET: Born and educated in Russia. Formerly employed by the Czarist government. Presently Russian interpreter for International Conferences for the Department of State. This witness was subpoenaed by the Attorney General in the instant proceeding to translate a document in the Russian language. (Petitioner's Exhibit No. 3.)

PHILIP E. MOSELY: Director of the Russian Institute; Professor of International Relations, Columbia University. Dr. Mosely testified as an expert for the Attorney General in regard to the allegations of the Petition under Section 13 (e) (2) of the Act.

RESPONDENT'S WITNESSES

HERBERT APTHEKER (1939 to present): Dr. Aptheker testified as an expert on Marxism-Leninism. Member of a Brooklyn Communist Party Club, 1940-1941; teacher, Jefferson School of Social Science, 1946 to present; editor, *Masses and Main Stream*, 1948 to present; managing editor, *Political Affairs*—about 1950 to present; trustee, Jefferson School, New York City, 1950 to present.

ELIZABETH GURLEY FLYNN (1937 to present): Member, National Committee, 1938 to present; chairman of Women's Commission of Communist Party, 1945 to present; chairman of Defense Commission, CPUSA, 1948 to present; columnist for *Daily Worker*, 1937 to present; delegate to Congress of Women for Peace, Paris, 1945; member, Political Bureau, later called National Board, 1941-1946, 1948; representative of *Daily Worker* at 80th birthday party for Marcel Cachin in Paris, 1949; representative of CPUSA to French Communist Party Congress, 1950.

JOHN GATES (1933 to present): Member of Young Communist League, 1931; organizer for the League, 1932-1937; organizer of various clubs in Youngstown and member of the Section Committee, 1933-1937; member, International Brigade in Spanish Civil War in 1938 and rose to rank of Brigade Political Commissar (Lt. Col.); National Executive Secretary, Friends of Abraham Lincoln Brigade, 1939; National Education Director of Young Communist League, 1939-1940; "Head", Young Communist League for New York State, 1940; United States Army, December 17, 1941-January 17, 1946; elected member, National Council Communist Political Association *in absentia*, 1944; elected member of National Committee of Communist Party *in absentia*, 1945; National Vets Director Communist Party, 1946-1947; member National Committee, Communist Party, 1946 to present; chairman, National Legislative Commission, 1947-1951; member, National Board, Communist Party, 1947 until it was discontinued; editor, *Daily Worker*, 1947 to present; chairman, National Review Commission, 1951.

APPENDIX B

A list of publications of major importance in this proceeding which were received in evidence in whole or in part follows:

Pet. Ex. 8: *Theses and Statutes of The Third (Communist) International*, published officially by the Communist International in Moscow in 1920. Reprinted by the United Communist Party of America (a former designation of Respondent).

Pet. Ex. 31: *The Communist Manifesto*, by Karl Marx and Friedrich Engels. Copyrighted in the United States in 1948, the 100th Anniversary edition published by International Publishers Company, Inc.⁹⁷

Pet. Ex. 121: *Foundations of Leninism*, by J. Stalin, copyrighted in the United States in 1939, published by International Publishers Company, Inc.

Pet. Ex. 125: *Programme Of The Communist International*, copyrighted in the United States in 1929, published by the Workers Library Publishers, Inc.

Pet. Ex. 137: *Resolutions, Seventh Congress Of The Communist International*, published in 1935 by Workers Library Publishers.

Pet. Ex. 138: *Problems of Leninism*, by J. Stalin, copyrighted in the United States in 1934, published by International Publishers Company, Inc.

Pet. Ex. 139: *State and Revolution*, by Lenin, copyrighted in the United States in 1932, published by International Publishers Company, Inc.

Pet. Ex. 140: *Imperialism, The Highest Stage of Capitalism*, by Lenin, copyrighted in the United States 1939, published by International Publishers Company, Inc.

⁹⁷ International Publishers Company, Inc., New York City, is headed by Alexander Trachtenburg, a leading member of Respondent.

- Pet. Ex. 144: *Working Class Unity-Bulwark Against Fascism*, by Georgi Dimitroff, published by Workers Library Publishers in 1935.
- Pet. Ex. 145: *The Communist Party, A Manual On Organization*, by J. Peters, published by Workers Library Publishers, July 1935.
- Pet. Ex. 149: *The United Front, The Struggle Against Fascism And War*, by Georgi Dimitroff, copyrighted in the United States in 1938, published by International Publishers Company, Inc.
- Pet. Ex. 330: *History Of The Communist Party Of The Soviet Union (Bolsheviks)*, edited and authorized by the Central Committee of the Communist Party of the Soviet Union, copyrighted in the United States in 1939, published by International Publishers Company, Inc.
- Pet. Ex. 335: *Mastering Bolshevism*, by J. Stalin, published in 1946 by New Century Publishers.
- Pet. Ex. 343: *Strategy and Tactics Of The Proletarian Revolution*, copyrighted in the United States in 1936, published by International Publishers Company, Inc.
- Pet. Ex. 417: *What Is To Be Done?* by Lenin, copyrighted in the United States in 1929, published by International Publishers Company, Inc.
- Pet. Ex. 422: *The Theory Of The Proletarian Revolution*, copyrighted in the United States in 1936, published by International Publishers Company, Inc.
- Pet. Ex. 423: *The Dictatorship Of The Proletariat*, copyrighted in the United States in 1936, published by International Publishers Company, Inc.

BEFORE THE SUBVERSIVE ACTIVITIES CONTROL BOARD

Docket No. 51-101

HERBERT BROWNELL, JR., ATTORNEY GENERAL OF THE UNITED STATES, PETITIONER, v. THE COMMUNIST PARTY OF THE UNITED STATES OF AMERICA, RESPONDENT

ORDER OF THE BOARD

The Board having this day issued its Report in which it finds and determines that the Communist Party of the United States of America, respondent herein, is a Communist-action organization under the provisions of the Subversive Activities Control Act of 1950;

IT IS ORDERED that the said respondent, the Communist Party of the United States of America, shall register as a Communist-action organization under and pursuant to section 7 of the Subversive Activities Control Act of 1950, and

IT IS FURTHER ORDERED that if the Communist Party of the United States of America fails to comply with the registration requirements of said Act, pursuant to the above Order, then each and every section, branch, fraction, or cell of said respondent shall register in accordance with the requirements of said Act.

By the Board:

(Signed) PETER CAMPBELL BROWN,
Chairman.

(Signed) KATHRYN McHALE,
Member.

(Signed) DAVID J. CODDAIRE,
Member.

(Signed) WATSON B. MILLER,
Member.

Washington 25, D. C.; April 20, 1953.

UNITED STATES COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA

No. 11,850

(Filed June 17, 1953)

COMMUNIST PARTY OF THE UNITED STATES OF AMERICA,
Petitioner,

v.

SUBVERSIVE ACTIVITIES CONTROL BOARD, *Respondent.*

Petition for Review

Communist Party of the United States of America, by its attorneys, petitions the Court to review and set aside the order of the Subversive Activities Control Board issued April 20, 1953, in the proceeding before said Board entitled Herbert Brownell, Jr., Attorney General of the United States, Petitioner, v. The Communist Party of the United States of America, Respondent, No. 51-101.

Nature of the Proceedings

The order involved herein was issued under section 13 (g)(1) of the Internal Security Act of 1950 (hereinafter called the Act), after proceedings before the Subversive Activities Control Board (hereinafter called the Board) initiated under section 13(a) of the Act by a petition of the Attorney General that the Petitioner herein be required to register under section 7 of the Act as a "Communist-action organization." On April 20, 1953, the Board issued its order that the Petitioner herein "shall register as a Communist-action organization under and pursuant to section 7" of the Act. The order further provided that

if the Petitioner herein "fails to comply with the registration requirements of said Act, pursuant to the . . . Order, then each and every section, branch, fraction, or cell" of the Petitioner herein shall register in accordance with the requirements of said Act."

Jurisdiction and Venue

Jurisdiction and venue exists in this Court by virtue of section 14(a) of the Act, which provides:

"The party aggrieved by any order entered by the Board under subsection (g), (h), (i), or (j) of section 13 may obtain a review of such order by filing in the United States Court of Appeals for the District of Columbia, within sixty days from the date of service upon it of such order, a written petition praying that the order of the Board be set aside."

Grounds for Relief

The Petitioner seeks to have the order of the Board set aside on the following grounds:

1. Sections 2 through 13 and 15 of the Act, and those provisions of sections 22, 23, and 25 of the Act which relate to members of organizations registered or required to register under section 7 of the Act (as carried forward in the Immigration and Nationality Act, 66 Stat. 163), are, on their face and as applied to Petitioner, in violation of the Constitution, including the First, Fourth, Fifth, Sixth, Ninth, and Tenth Amendments, Article I, Section 1, and Article I, Section 9, Clause 3.
2. The findings and order of the Board violate the Act, including Section 13(e) thereof.
3. The order of the Board is based on findings as to activities of the Petitioner herein prior to the date of the Act, in violation of the Act.

4. The findings and order of the Board are not supported by the preponderance of the evidence, as required by the Act.

5. The findings and order of the Board are contrary to the evidence.

6. The findings and order of the Board are based on incompetent, irrelevant, and immaterial evidence.

7. The findings and order of the Board are based on arbitrary, illegal and irrational inferences, conclusions, presumptions, and standards.

8. The findings and order of the Board fail to take into account the evidence favorable to the Petitioner herein.

9. The Board failed to make findings favorable to the Petitioner herein where such findings were required by its own statement of the evidence.

10. Two members of the Board, who presided at the hearing and participated in the Report and Order of the Board, were required to have disqualified themselves, or to have been disqualified, because of the filing of sufficient affidavits of bias and prejudice.

11. The proceeding against Respondent was in part conducted by persons presuming to sit as members of the Board when in fact and in law they were not members of the Board and had usurped office.

12. The members of the Board, during the proceeding, were subjected to and influenced adversely to the Petitioner herein by extra-legal pressures exerted upon them for the purpose of securing an order against the Petitioner herein.

13. The proceeding before the Board was conducted in an unfair and biased manner.

14. The Board committed prejudicial errors in the admission and exclusion of evidence, including the refusal to admit competent, relevant and material evidence offered

by the Petitioner herein; the admission of incompetent, irrelevant and immaterial evidence offered by the Attorney General; the curtailment of Petitioner's cross-examination of witnesses; and the refusal to compel the production of documentary evidence in the possession of the Attorney General demanded by Petitioner and to which it was entitled.

15. The Board exceeded its authority by ordering, conditionally, the registration of "each and every section, branch, fraction, or cell" of the Petitioner.

Relief Prayed

Wherefore, the Petitioner prays that the Court set aside the aforesaid order of the Board.

Respectfully submitted,

Vito Marcantonio
VITO MARCANTONIO
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New York, New York

John J. Abt
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1

(Filed November 11, 1950)

IN THE SUBVERSIVE ACTIVITIES CONTROL BOARD

No. 51-101

J. HOWARD McGRATH, Attorney General of the United States, *Petitioner*,

v.

THE COMMUNIST PARTY OF THE UNITED STATES OF AMERICA,
Respondent.

On Petition for an order requiring the Communist Party of the United States of America to register with the Attorney General as required by Section 7 (a), (c) and (d) of the Internal Security Act of 1950.

Petition

The Attorney General respectfully represents to the Subversive Activities Control Board that the Communist Party of the United States of America was required under Section 7 (a), (c) and (d) of the Internal Security Act of 1950 to register and file a registration statement with the Attorney General on or before October 23, 1950, as a Communist-action organization and it failed to do so and continues to fail to do so. Pursuant to Section 13 (a) of the Act, therefore, the Attorney General petitions this Board for an order, after appropriate proceedings, directing the Communist Party of the United States of America to register with the Attorney General as a Communist-action organization in the manner required by the Act, and directing further that if the organization fails to comply with the Board's order, each section, branch, fraction, or cell of the

organization shall register as a Communist-action organization.

2 In support of this petition the Attorney General refers to the Congressional findings of fact as set forth in Section 2 of the Act. The Attorney General alleges the following facts, based on information and belief, relating to the character of the Communist Party of the United States of America as measured by the standards specified in the Act.

I

Commencing in or about 1919, and continuing to the date of the filing of this petition, except for the period of the Communist Political Association from May, 1944 to July, 1945, there has existed in the United States an organization known from time to time by various names, which is now known as the Communist Party of the United States of America (hereinafter referred to as the "Communist Party" or "organization"). This organization has been and is composed of large numbers of members and affiliates who function through state, county, city and other units, which are subject to the supervision and control of the National Office of the Communist Party.

II

During the aforesaid period, the Communist Party, which is not a diplomatic representation or mission of a foreign government accredited as such by the United States Department of State, has been and is substantially dominated and controlled by the government and Communist Party of the Soviet Union, and by the foreign organization controlling the world Communist movement, such foreign organization being known at various times as the Communist International (Comintern) and the Communist Information Bureau (Cominform). Throughout its existence the Communist Party has operated and continues to

operate primarily to advance the objectives of the world Communist movement. The organization always has been an active participant in the world Communist movement, which has its home base in the Soviet Union. Like the other members of the world Communist movement, which are affiliated with the Communist Party of the Soviet Union, the Communist Party always has based itself on the principles of Marxism-Leninism, as from time to time expounded and revised by Joseph Stalin, the leader of the world Communist movement, and by the Communist Party of the Soviet Union, the Communist International, the Communist Information Bureau and other spokesmen for the world Communist movement. The policies of the organization have been formulated and carried out and its activities have been performed pursuant to the "correct" Marxist-Leninist position as set forth in directives, interpretations, publications and other communications issued by Stalin, the Communist Party of the Soviet Union, the Communist International, the Communist Information Bureau and other spokesmen for the world Communist movement, all for the purpose of effectuating the policies of the government and Communist Party of the Soviet Union and the organization of the world Communist movement, variously known as the Communist International and the Communist Information Bureau.

The aforesaid domination and control of the policies and activities of the Communist Party are illustrated by the following facts:

(a) In 1921 the Communist Party, which had become a member of the Communist International, agreed to be bound by the 21 conditions for membership in the Communist International. Among the conditions which the organization accepted was the principle that all resolutions of the Communist International and its Executive Committee were binding on the Communist Party.

(b) The Communist International has maintained its representatives in the United States for the purpose of directing and supervising the activities of the Communist Party and the conduct of the leaders of that organization. The representatives of the Communist International have been empowered to serve on the organization's committees, to preside at meetings of the Communist Party and to cast the deciding vote.

(c) The young Communists in the United States functioned through an organization known as the Young Communist League, the youth organization of the Communist Party. The Young Communist League was a section of the Young Communist International, the Communist International's organization for the Communist youth of the world. The young Communist International and the Communist Party directed and controlled the activities of the Young Communist League and the Young Communist International, in turn, was directed and controlled by the Communist International.

(d) In or about 1929, there developed a serious factional dispute within the Communist Party. The controversy was submitted to a committee of the Communist International at Moscow for resolution and was finally settled by Stalin's direction to the American Communist leaders who appeared before him that the minority faction had the approval of himself and the Communist International and would henceforth control the organization. As a result, the leaders of the majority faction were expelled from the organization.

(e) Since September 1928, the Communist Party has been guided to the "correct" Marxist-Leninist position by the "Programs of the Communist International," which was adopted at the Sixth Congress of the Communist International held on September 1, 1928, in Moscow, and which was published in the United States by "Workers Library Publishers", an organ of the Communist Party. The Commu-

nist Party officially adopted and subscribed to that program and continues to adhere to it. Similarly, in 5 1939, the Communist Party, together with the Communist parties of other countries, was supplied with the most recent Marxist-Leninist manual, the "History of the Communist Party of the Soviet Union (Bolsheviks)", which was prepared for use as a guide to action with the active participation of Stalin and was authorized by the Central Committee of the Communist Party of the Soviet Union. This manual and other similar publications of the organization have been published in the United States by International Publishers, an organ of the Communist Party. Other Marxist-Leninist publications which the organization has used and continues to use as guides to action include "Foundations of Leninism" by Stalin; "State and Revolution" and "Imperialism" by Lenin; "The Communist Manifesto" by Marx and Engels; "Problems of Leninism" by Stalin; "The Communist" and its successor, "Political Affairs"; the "Daily Worker" and the "Worker"; and such compilations of Marxist-Leninist writings as "Strategy and Tactics", "Theory of the Proletarian Revolution" and "Dictatorship of the Proletariat".

(f) In November, 1940, the Communist Party voted to disaffiliate from the Communist International for the avowed purpose of removing itself from the terms of the so-called Voorhis Act, but in fact the organization continued to uphold the principles of the Communist International, and the Communist International continued its direction and supervision over the organization through its resident representatives in the United States.

(g) In 1943, when the government of the Soviet Union was militarily allied with the government of the United States and other capitalist democracies in the conduct of World War II, the Communist International was formally dissolved. Shortly thereafter, in the spring of 1944, the

Communist Party similarly dissolved itself and the leaders of the Communist Party created a Communist Political Association, dedicated to working in cooperation with progressive forces in the United States and subordinating the Marxist-Leninist program which the Communist Party had followed.

(h) With the end of the hostilities in Europe in 1945, the Communist Party was instructed by leaders of the world Communist movement, including Jacques Duclos, a leader of the French Communist Party and a former member of the Executive Committee of the Communist International, and Dimitri Manuilsky, a leader of the Communist Party of the Soviet Union and former General Secretary of the Communist International, to reestablish itself in the United States for the purpose of again carrying forward the program and activities to which it had adhered from 1919 to 1944. In July, 1945, the Communist Party was reconstituted in accordance with the directions which it had received. Upon its reconstitution, the organization immediately returned to its former program.

(i) In 1947, the Communist Information Bureau was established as the organization for the world Communist movement and as a successor to the Communist International. Because of the terms of the Voorhis Act and the Foreign Agents Registration Act, the Communist Party found it inexpedient to become a formal member of the Communist Information Bureau, but it has affiliated with that organization of the world Communist movement, and it has conformed its policies and activities to the policies and activities of the Communist Information Bureau.

III

Throughout its existence the Communist Party never knowingly has deviated from the views and policies of the government and Communist Party of the Soviet Union, the

Communist International, the Communist Information Bureau and other leaders of the world Communist movement. Whenever such views and policies have conflicted with the position taken by the Government of the United States, the Communist Party has opposed the position of the United States. The Communist Party has advocated the views and policies of the government and Communist Party of the Soviet Union, the Communist International and the Communist Information Bureau, as the case may be, in the following instances, among others:

(a) The Communist Party has based itself upon the doctrines of Marxism-Leninism as construed, interpreted and extended by Stalin, the Communist Party of the Soviet Union, the Communist International, the Communist Information Bureau and other leaders of the world Communist movement.

(b) Except when the United States and the Soviet Union were potential or actual military allies, the Communist Party has consistently expressed the view that the United States is an imperialistic power bent on instigating wars for world domination, and that the Soviet Union and other Communist nations are the only true democracies which seek to preserve peace.

(c) The Communist Party advocated opposition to the League of Nations while the Soviet Union opposed such organization, and when the Soviet Union reversed its position the Communist Party supported the League of Nations.

(d) The Communist Party endorsed and justified the trial and execution of a large number of prominent Russian military and political leaders by the Soviet Union in the "purge" of 1937.

(e) The Communist Party supported and justified the position of the Soviet Union in the Russo-Finnish War in 1939.

(f) The Communist Party supported and justified the territorial expansion of the Soviet Union through the conquest of Polish territory in 1939, and the absorption of Latvia, Estonia and Lithuania in 1940.

8 (g) Commencing in or about 1935, the Communist Party softened its previous attacks against democratic capitalism to advocate a program of united front action to combat fascism and nazism in accordance with the changed policy of the Communist International.

(h) When on August 23, 1939, the Hitler-Stalin Non-Aggression Pact was consummated, the Communist Party overlooked its opposition to fascism and nazism and supported the Hitler-Stalin Pact.

(i) During the period from the signing of the Hitler-Stalin Pact to June 21, 1941, the Communist Party characterized the war between the Western European powers and Germany and Italy as an "unjust" imperialist war which Communists could not support and affirmatively sought to prevent American aid from being given to the Western European nations.

(j) Coincident with the German attack on the Soviet Union on June 22, 1941, the Communist Party abruptly reversed its position by characterizing the war as a "just" war against fascism requiring the support of all Communists and demanded that the United States give full aid and assistance to the nations opposing Nazi Germany and Italy.

(k) Once the Soviet Union was engaged in the war, the Communist Party abandoned its attacks on the Government and institutions of the United States and its traditional disruptive tactics in favor of a policy of cooperation with all forces directly or indirectly aiding the Soviet Union in its war effort. In accordance with this policy,

9 the Communist Party expressed its approval of the dissolution of the Communist International in 1943, and the Communist Party itself was dissolved in May, 1944.

(l) With the termination of hostilities in Europe in 1945, the Communist Party, in accordance with instructions from the leaders of the world Communist movement, was reconstituted in July 1945, for the purpose of returning to the views, policies and activities which it had followed prior to May, 1944.

(m) In 1946, the Communist Party supported the demands of the Soviet Union upon Turkey for revision of the Montreux Convention so as to give the Soviet Union a voice in the control of the Dardanelles.

(n) In the period following the termination of hostilities in World War II, the Communist Party consistently supported the policies and tactics of the Soviet Union, the world Communist movement and the Communist parties in Bulgaria, Roumania, Hungary, Albania and Poland in their efforts to obtain control of the governments of those countries and, since the success of such efforts, the Communist Party has vigorously supported the conduct and policies of those Communist governments.

(o) The Communist Party supported and justified the Communist destruction of the democratic government of Czechoslovakia and has continued to support the Communist government which replaced the Czechoslovakian democracy.

(p) The Communist Party supported the coalition of the Chinese Communists with the Nationalist Government of China during World War II and thereafter supported the Chinese Communists in their violent revolution against the legal Government of China.

10. (q) The Communist Party supported the violent revolutionary efforts of the Communist guerrillas in Greece and similarly supports the violent revolutionary efforts of the Communists in Indo-China, Burma and the Philippines.

(r) The Communist Party supported the Communist efforts to prevent the successful establishment and maintenance of the government of Western Germany and supported the Soviet blockade of Berlin in 1948.

(s) Since the end of World War II, the Communist Party has opposed those facets of American foreign policy which it regards as inimical to the interests of the Soviet Union and the world Communist movement, such as the Truman Doctrine, the Marshall Plan and the resultant program of the Economic Cooperation Administration, the North Atlantic Pact, and the Military Assistance Program for the Atlantic Pact nations.

(t) The Communist Party has supported and justified the stifling of internal opposition to the various Cominform governments through repressive measures against religious and political leaders such as Cardinal Mindszenty and Nicola Petkov, and through widespread programs of religious oppression.

(u) The Communist Party supported the Communist Government of Yugoslavia when that government collaborated with the Soviet Union and the Cominform, and it has opposed and condemned the Yugoslavian Government since its defection from the Soviet Union and the Cominform.

(v) The Communist Party opposed and condemned the position taken by the United States in its opposition to the Communists in the Italian elections of 1948 and charged American policy in Italy with leading to the attempted assassination of Togliatti, the Italian Communist leader.

11. (w) From the time the scheme was first launched by the Communist Information Bureau, the Communist Party has rendered unqualified support to the "peace" campaign of the World Partisans of Peace and its Stockholm Peace Petition.

(x) The Communist Party has consistently supported the Soviet position as to the treatment of and settlement with the former Axis powers and occupied countries.

(y) The Communist Party has supported the position of the representatives and spokesmen of the Soviet Union and its satellite nations in the United Nations, including among others, the Soviet position on the questions of atom bomb control, on recognizing and seating Communist China, on the election of Yugoslavia to the Security Council in 1949, and on the use of the veto by the Soviet Union.

(z) The Communist Party has consistently supported the Communist Government of North Korea both before and after that Government's violent invasion of the Republic of South Korea; it has opposed the actions of the United States and the United Nations in defending South Korea from the aggression of the North Korean Government; and it now supports the intervention of the Chinese Communists in the Korean conflict.

IV

The Communist Party now receives and from time to time in the past has received financial aid, from or at the direction of the government and Communist Party of the Soviet Union, the Communist International and the Communist Information Bureau. As the beneficiary of such foreign aid:

(a) Communist Party publications, in effect, have been subsidized by receiving pre-paid cable information from Communist sources.

12 (b) The Communist Party has received quantities of propaganda materials without cost for sale at a profit.

(c) Communist Party members attending Communist training schools in the Soviet Union have received transportation and living expenses for attending such schools.

(d) Communist Party members traveling in the Soviet Union and other Communist nations for the purpose of orientation, attending Communist meetings or observing the operation of Communist governments have received transportation expenses and salaries while engaged on such missions.

(e) The Communist Party has received funds for use in infiltrating and influencing the American trade union movement.

V

The Communist Party regularly reports and has reported to the government and Communist Party of the Soviet Union and to the Communist International and the Communist Information Bureau, and has sent members and representatives to the Soviet Union and other foreign countries for instruction and training in the principles, policies, strategy, and tactics of the world Communist movement.

(a) Representatives of the Communist Party reported its programs and internal activities to the Communist International through its World Congresses held in Moscow and through its Executive Committee and Presidium, on both of which American Communists served, and received instructions in the principles, policies, strategy, and tactics of the world Communist movement.

(b) Until travel abroad was rendered impossible by World War II, the Communist Party sent members and representatives to the Soviet Union from time to time to report the activities of the Communist Party and to transmit to the Communist Party instructions in the principles, policies, strategy and tactics of the world Communist movement.

(c) The Communist Party further reported its program and activities to the Soviet Government, the Communist Party of the Soviet Union and to the Communist International through representatives of the Communist International within the United States.

(d) Until travel abroad was rendered impossible by World War II, the Communist Party sent members and representatives to the Lenin Institute and other schools and classes held in the Soviet Union, and to Spain during the Spanish Civil War for instruction and training in the principles, policies, strategy and tactics of the world Communist movement.

(e) After the Communist International was dissolved in 1943, the Communist Party continued to report its policies and activities to leaders of the world Communist movement. Thus, the contents of a vital document on the organization's affairs, which was suppressed by it in the United States, were transmitted abroad during the war by means unknown and were made known to Jacques Duclos, General Secretary of the Communist Party of France and former member of the Executive Committee of the Communist International.

(f) The Communist Party continues to report to the government and Communist Party of the Soviet Union and the Communist Information Bureau by publishing in Communist Party publications important statements, convention reports and speeches. Such matters are subsequently commented upon by such publications as the Soviet Union's "Pravda" and the Cominform's "For a Lasting Peace, For a People's Democracy" which indicate when corrections of ~~policy~~ are necessary.

VI

From the inception of the organization to the date of the filing of this petition, the principal leaders of the Communist Party have been and are subject to and recognize the disciplinary power of the Soviet Government, the Communist Party of the Soviet Union, the Communist International and the Communist Information Bureau and other spokesmen of the world Communist movement. This power has been exercised principally through the Com-